

# EXHIBIT “A”

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

LINDA FELDER,

CASE NO.:

Plaintiff,

v.

SAM'S EAST, INC. d/b/a  
SAM'S CLUB #6341, a Foreign  
Profit Corporation,

Defendant,  
\_\_\_\_\_ /

**COMPLAINT FOR DAMAGES**

COMES NOW, Plaintiff, LINDA FELLER (hereinafter "Plaintiff") sues the Defendant, SAM'S EAST, INC. D/B/A SAM'S CLUB #6341 (hereinafter "Defendant"), and in support thereof alleges the following:

**GENERAL ALLEGATIONS**

1. This is an action for damages that exceeds the sum of THIRTY THOUSAND DOLLARS (\$30,000.00), exclusive of costs and interest.
2. At all times material hereto, Plaintiff, LINDA FELDER, was and is a resident of Broward County, Florida and is *sui juris*.
3. At all times material hereto, the Defendant, SAM'S EAST, INC. D/B/A SAM'S CLUB #6341 was and is a Foreign Profit Corporation, authorized and doing business in Broward County, Florida with its agent for service of process in Plantation, Florida.
4. Defendant, SAM'S EAST, INC. D/B/A SAM'S CLUB #6341 maintained a property for the regular transaction of its business at 702 S.W. 8<sup>th</sup> St., Bentonville, AZ 727716 and conducted business at 13550 W. Sunrise Boulevard, Sunrise, Florida 33323.

5. At all times material hereto, the Defendant, SAM'S EAST, INC. D/B/A SAM'S CLUB #6341 was in exclusive possession, custody, and control of the property located at 13550 W. Sunrise Boulevard, Sunrise, Florida 33323.

6. At all times material hereto, the Defendant, SAM'S EAST, INC. D/B/A SAM'S CLUB #6341 expressly assumed responsibility for the maintenance and cleanliness of the aforementioned premises and had a duty to maintain same in a reasonably safe condition for the use of business invitees and guests.

7. Venue is proper in this Court as the Defendant conducts its business operations within Broward County, Florida and the incident giving rise to this action occurred in Broward County, Florida.

8. On or about June 15<sup>th</sup>, 2021, Plaintiff, LINDA FELDER, was a lawfully present business invitee on the Defendant, SAM'S EAST, INC. D/B/A SAM'S CLUB #6341's premises as indicated above. This premises was at that time and continues to be, in the custody of, and operated by, the Defendant, SAM'S EAST, INC. D/B/A SAM'S CLUB #6341.

9. At that time and place, Plaintiff, LINDA FELDER was visiting the aforementioned premises when suddenly she slipped and fell due to a wet and slippery substance on the floor.

10. As a result of the fall, Plaintiff, LINDA FELDER, sustained significant bodily injury.

**COUNT I - PREMISES LIABILITY AS TO SAM'S EAST, INC. D/B/A SAM'S CLUB #6341**

Plaintiff hereby incorporates and re-alleges paragraphs 1 through 10 above as though they had been set forth herein and further states:

11. At all times material hereto, the Defendant, SAM'S EAST, INC. D/B/A SAM'S CLUB #6341, by and through its employees, agents, and assigns, had a non-delegable duty to Plaintiff, LINDA FELDER, as its business invitee, to maintain its premises in a reasonably safe condition, and to protect Plaintiff from dangers or defects about which the Defendant was or should have been aware, through the use of ordinary and reasonable care. The Defendant breached its duty to Plaintiff by committing one or more of the following acts or omissions:

- a) Negligently creating and/or allowing a hazardous condition to exist on its premises which was reasonably foreseeable to cause injury to Plaintiff;
- b) Negligently failing to maintain or adequately maintain the premises to prevent Plaintiff from encountering a hazardous condition;
- c) Negligently failing to inspect or adequately inspect the premises to ascertain whether the aforesaid condition constituted a hazard to Plaintiff;
- d) Negligently failing to correct or adequately correct a dangerous and hazardous condition which was and/or should have been known to the Defendant;
- e) Negligently failing to warn the Plaintiff of said dangerous condition when said condition was either known to Defendant or had existed for a sufficient length of time such that Defendant should have known of same had Defendant exercised reasonable care;
- f) Negligently failing to barricade, restrict, or otherwise prevent persons such as Plaintiff from encountering the hazardous condition on its premises as described above.

12. As a direct and proximate result of the Defendant, SAM'S EAST, INC. D/B/A SAM'S CLUB #6341's negligence as alleged above, Plaintiff, LINDA FELDER, suffered injury

including a permanent injury to the body as a whole, including but not limited to pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings in the past, and loss of ability to earn money in the future. These losses are either permanent or continuing and Plaintiff will suffer these losses in the future.

WHEREFORE, Plaintiff, LINDA FELDER, demands judgment in his favor against the Defendant, SAM'S EAST, INC. D/B/A SAM'S CLUB #6341 in excess of the minimum jurisdictional limits of this Court for compensatory damages, including incidental and consequential damages, post-judgement interest, costs, attorney's fees, and for any other relief this Court deems just and proper.

WHEREFORE, the Plaintiff, sues the Defendant, for damages in excess of the jurisdictional limits of this Court and further demand trial by jury of all issues so triable as of right by a jury

Dated this 31<sup>st</sup> day of January, 2022.

**lowercase, P.L.L.C.**  
5582 NE 4<sup>th</sup> Ct #6A  
Miami, FL 33137  
Telephone (800)528-3064  
Facsimile (833) 569-3335  
Email: [service@lowercaselaw.com](mailto:service@lowercaselaw.com)

By: /s/Jose E. Aguirre  
Jose E. Aguirre ESQ  
Florida Bar # 092675